

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

TRACIE RENEE CURRY,

Plaintiff,

Case. No. 18-11177

v.

Honorable Thomas L. Ludington
Magistrate Judge Mona K. Majzoub

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT & RECOMMENDATION, GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT, DENYING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT, AND AFFIRMING THE DECISION OF THE
COMMISSIONER**

On July 2, 2015, Plaintiff applied for Supplemental Security Income, alleging that she has been disabled since March 15, 2014. (TR 176–79.) The Social Security Administration initially denied Plaintiff's claims on September 30, 2015. (TR 57–63.) On February 7, 2017, Plaintiff appeared with counsel and testified at a hearing before Administrative Law Judge ("ALJ") Anthony R. Smereka. (TR 31–56.) On May 1, 2017, the ALJ issued an unfavorable decision on Plaintiff's claims. (TR 12–26.) Plaintiff requested review by the Appeals Council, which was denied on February 28, 2018. (TR 1–3.) On April 13, 2018, Plaintiff commenced this action for judicial review. (ECF No. 1) The parties filed cross motions for summary judgment, which are currently before the Court. (ECF Nos. 12, 15) On June 6, 2019, Judge Majzoub issued a report, recommending that Plaintiff's motion for summary judgment be denied, that Defendant's motion for summary judgment be granted, and that the case be dismissed in its entirety. (ECF No. 16)

Although the magistrate judge's report explicitly states that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the

report, neither party has filed any objections. The election not to file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal. *Id.*

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 16, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 12, is **DENIED**.

It is further **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 15, is **GRANTED**.

It is further **ORDERED** that the findings of the Commissioner are **AFFIRMED** and that the complaint, ECF No. 1, is **DISMISSED** with prejudice.

Dated: July 9, 2019

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge